IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

SINGLE BENCH

W.P.No.2820 / 2006

Petitioner : **Kishore Patel**
S/o Shri Ashok Kumar Patel, Aged about 23 years, R/o Katra Road, Vikas Nagar, Raigarh (C.G.)

Versus

Respondents :
1) Guru Ghasidas University – Through its Registrar, Guru Ghasidas University, Koni, Bilaspur (C.G.).

2) The Government Engineering College – Through its Principal, Government Engineering College, Koni, Bilaspur (C.G.)

P.R. No. 2891/06
Presented by Shri R.R. Patankar
Dated 13/8/06

that the petitioner may not get through in the

आदेश पत्रक

मामला क्रमांक W.P. No. 2820/06 सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29/06/2006

Shri P. Diwakar, Sr. Advocate with Shri P.R. Patankar, Counsel for the petitioner.

Shri Manindra Shrivastava, Sr. Advocate with Shri Amrito Das, counsel for respondent No.1.

Shri Yashwant Singh, learned Govt. Advocate for respondent No.2/State.

Heard.

Petitioner is a student of Government Engineering College, Koni, Bilaspur, affiliated with Guru Ghasidas University, Bilaspur. In May – June 2003, petitioner appeared in the 4th semester of Mechanical Engineering course, but was awarded supplementary in the subject of Production Technology and was given 28 marks in the said subject. Subsequently, petitioner appeared twice in supplementary examination of the subject Production Technology, but on both occasions he was declared unsuccessful and again the same marks were repeated. Petitioner for his admission in P.G. course appeared in entrance examination which is known as Graduate Aptitude Test Examination (GATE) and successfully passed the same, but due to non-clearance in his examination in the subject Production Technology, he is unable to seek admission in P.G. The then Principal, Shri I.K. Khanna who was the subject teacher was unhappy and annoyed with the petitioner and had openly

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threatened him that the petitioner will not get through in his subject and unfortunately on all the three occasions his answer sheets were examined by Shri I.K. Khanna who by giving such a meager marks succeeded in his object.

There is no provision for revaluation in supplementary examination. Therefore, though on all the occasions such poor marks have been given to the petitioner, but he could not get his answer sheets re-checked. Therefore, petitioner had only option to approach the Court for getting re-checked his answer sheets of the subject of Production Technology for which he has appeared in the last examination in November- December 2005 and accordingly he prayed for the relief.

Respondent No.1 has raised objections to the petition unveiling the system of valuation of the answer sheets which is top confidential and petitioner's previous record, exposing that in past he could not succeed in various subjects, therefore, he was declared failed in those subjects and was allowed to appear in supplementary examinations. Character of Shri I.K. Khanna, the then Principal has been maligned by serious scandalous allegations, but he was not made party in the instant petition.

Learned counsel for the petitioner contended that the petitioner has an excellent record and as a result he was able to succeed in entrance examination, for admission in P.G. Course, but Shri I.K. Khanna, the then Principal who threatened the

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petitioner to ruin his career has assigned thrice to evaluate his answer sheets, who all the times declared him unsuccessful in his subjects. Therefore, to protect his right, intervention of this Court is necessary by calling the answer sheets and allowing the same to be re-valuated. On the contrary, learned counsel for the respondents opposed the same and contended that law is settled and according to it, if according to rule re-valuation is permissible in that case only petitioner's answer sheets can be called and revalued otherwise, no student as of right can claim re-valuation of his answer sheets. The then Principal Shri I.K. Khann has been maligned by scandalous charges, but he was not made party and in his absence if petitioner succeeds in obtaining relief, it will amount those scandalous charges proved against him, without affording opportunity of hearing to him which is against the principle of natural justice and against the law. Examination and valuation procedure are top confidential. In answer sheets only roll numbers are written. It is not possible for examiner to identify the answer sheets. Valuation of answer sheets being top confidential, no one can claim that his answer sheets have been valued by any particular examiner.

Petitioner himself has pleaded that there is no provision for re-valuation of the answer sheets of supplementary examination, therefore, he is stopped by his own conduct to claim as of right re-valuation of his answer sheets. Petitioner

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -५-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

only filed statement of marks of November-December, 2005. From the record, it is apparent that in the subject Production Technology out of 80 marks he obtained only 20 marks and out of 20 marks he obtained one. Earlier he was awarded the same marks to establish it, he did not produce copies of those mark sheets. His career was excellent to support it also he did not produce his previous records. On the contrary, respondent No.1 has shown petitioner's examination profile and his performance in the past semesters and the same has not been contradicted or challenged by the petitioner, from his past record, it is evident that his past performance was very poor and two or three attempts were not unknown to him.

Shri I.K. Khanna, has checked his answer sheets in all the occasions, to establish it, no substantial material has been brought on record. As per statute and ordinance of the concerned University, it is evident that the scheme of valuation is confidential and it is not possible for any student to know who valued his answer sheets. Shri I.K. Khanna the then Principal has been maligned by serious scandalous charges in the petition, but he was not made a party in the instant petition, and in his absence it cannot be accepted to be true that for wreaking vengeance against the petitioner with malafide intention, Shri I.K. Khanna failed him thrice in his subject, and till it is accepted that he was a brilliant student who could not

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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fail in the said subject thrice, but was intentionally by discriminatory valuation has been failed by Shri I.K. Khanna, no relief as prayed for could be allowed to him, by the Court.

In the result, I am of the opinion that the petitioner is not entitled for relief which he has prayed for, therefore, the petition is liable to be dismissed. Accordingly, the writ petition and M.W.P.No.2148/2006 are dismissed.

In view of the above, order, I.A.No.5601/2006 for urgent hearing stands disposed of.

Sd/-
V.K. Shrivastava
Judge

raju

(पीछे देखिये)